

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE WILMINGTON TRUST : Master File No. 10-cv-00990-SLR
SECURITIES LITIGATION :
: (Securities Class Action)
:
: Hon. Sue L. Robinson
:
: Electronically Filed

NOTICE OF INTENT OF THE PENNSYLVANIA DEPARTMENT OF BANKING AND
SECURITIES TO ASSERT BANK EXAMINER PRIVILEGE

The Pennsylvania Department of Banking and Securities (“PaDOBS”) files this notice of intent to assert bank examiner privilege as more fully set forth below:

1. On August 5, 2014, Plaintiffs filed a *Motion to Compel Production of Documents Withheld by Defendants Based on “The Bank Examination” Privilege*.
2. By letter of the parties dated September 5, 2014 (“Joint Letter”), Defendants agreed to adjourn that motion while Regulators attempt to resolve the issues of privilege with the parties.
3. The PaDOBS was notified by Defendants by letter received September 29, 2014, that some documents that were the subject of the Plaintiff’s *Motion to Compel Production of Documents Withheld by Defendants Based on “The Bank Examination” Privilege* were PaDOBS documents.
4. Subsequently, the PaDOBS was given access to the Defendant’s Privilege and Redaction logs.
5. The PaDOBS observed upon review of the Defendant’s Privilege and Redaction logs that examination reports of Wilmington Trust of Pennsylvania, proprietary to the PaDOBS, and other documents with content from those examination reports, would be subject to the Plaintiff’s *Motion to Compel Production of Documents Withheld by Defendants Based on “The Bank Examination” Privilege*.
6. Accordingly, the PaDOBS hereby notifies the parties and the court that it intends to assert bank examiner privilege, and other privileges, to protect those documents from production.
7. The PaDOBS intends to assert bank examiner privileges over any examination report, or e-mail, letter, memoranda, report, or other document, that reveals content taken from the above-

mentioned examination reports, whether quoted or unquoted, whether the examination report was prepared by PaDOBS alone or in concert with any other regulator.

8. The PaDOBS does not intend to assert privilege over that portion of a document that reveals only the fact that an examination took place, or that is a mere mention or reference that a report was issued, if no content from the report is revealed.

9. This notice is being filed concurrent with motions to intervene and *pro hac vice* under separate cover.

Respectfully submitted,

/s/ *Linda Carroll*

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Dated: October 17, 2014

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2014 I filed the *Notice of Intent of the Pennsylvania Department of Banking and Securities to Assert Bank Examiner Privilege* with the Clerk of Court using CM/ECF which will send notification to the following:

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Dated: October 17, 2014

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